

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAGEMELDING, INC.,

No. C 08-03484 CRB

Plaintiff,

**ORDER RE CLAIM CONSTRUCTION  
HEARING**

v.

FEEVA TECHNOLOGY, INC. et al,

Defendants.

The tutorial and claim construction hearing in the above matter is scheduled for Tuesday, August 18, 2009 at 1:00 p.m. At oral argument the parties should focus their presentations on the following questions:

**A. “page file”**

1. What kind of page file other than a “web page file” does Plaintiff contend is covered by the term “page file”?
2. Does Plaintiff’s construction inject ambiguity into the term? If the Court accepts Plaintiff’s construction, would a further construction be necessary to construe the new terms proposed by Plaintiff?

**B. “first type network node” and “second type network node”**

1. Under Plaintiff’s construction, what is the meaning of the word “type” in the claim terms?
2. How does the method of Claim 1 apply to a network node that is not an Internet Content Provider, Internet Service Provider, or organization connected to the Internet? Does Plaintiff take the position that an Internet Content Provider could be a “first type network node” in some circumstances?
3. Assuming the doctrine of claim differentiation applies, can the presumption it creates be rebutted in this case?
4. What alternative constructions would be permissible if the Court rejects both parties’ proposals?

Each party is allotted up to one hour for its presentation.

**IT IS SO ORDERED.**

Dated: August 12, 2009

  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE